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PATENT
Attorney Docket No.: 16930-000921
4425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard J. Gregory, et al.

Application No.: 09/958,570

Filed: October 28, 1997

For: RECOMBINANT ADENOVIRAL
VECTOR AND METHODS OF USE

Examiner: D. Guzo

REQUEST FOR RECONSIDERATION

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Further to the Notice of Appeal filed July 24, 2001, Applicants submit a Request for Continued Examination together with this Request For Reconsideration in response to the Final Office Action mailed January 24, 2001. A petition for a five-month extension of time is submitted concurrently herewith in a separate paper to extend the time for response to on or before February 24, 2002. As February 24, 2002 falls on a Sunday, Applicants believe that the present response is timely if filed on the next business day, Monday, February 25, 2002. Applicants respectfully request reconsideration and further examination of the of the above-referenced patent application in view of the remarks presented herein.

REMARKS

The Claimed Invention

This invention provides methods of obtaining expression of a tumor suppressor gene or a suicide gene in a cell by contacting the cell with an adenoviral vector that has a deletion of all or part of the protein IX coding region. The deletion of the protein IX region from the adenoviral vector aids in the preparation of adenoviral preparations that are free of contaminating vectors that arise through

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